



## Legal Requirements for Use of Perkins IV Funds Index



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## Legal Requirements for Use of Perkins IV Funds



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### General Authority

The primary use of Perkins funds received by the eligible recipient is to improve or expand career education and improve student academic and technical performance. Perkins IV cannot be used *to maintain* career education program.

### Allocations

The formula for determining the allocation of Perkins IV funds is established in Federal legislation and supports stand-alone (LEA that meets \$15,000/\$50,000 threshold) or a consortium of LEAs that work together to achieve the priorities of the legislation.

### Consortium Guidance from Perkins IV

Sec 131 (Secondary) provides the following guidance on consortia

Consortium Requirements --

1. ALLIANCE- Any local education agency receiving an allocation that is not sufficient to conduct a program which meets the requirements of section 135 is encouraged to -
  - A. form a consortium or enter into a cooperative agreement with an area career and technical education school or educational service agency offering programs that meet the requirements of section 135;
  - B. transfer such allocation to the area career and technical education school or educational service agency; and
  - C. operate programs that are of sufficient size, scope, and quality to be effective.
2. FUNDS TO CONSORTIUM.—Funds allocated to a consortium formed to meet the requirements of the subsection shall be used only for purposes and programs that are mutually beneficially to all members of the consortium and can be used only for programs authorized under this title. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefiting only 1 member of the consortium.
  - A. Data.—The Secretary shall collect information from eligible agencies regarding the specific dollar allocations made available by the eligible agency for career and technical education programs under subsections (a), (b), (c), (d), and (e) and how these allocations are distributed to local educational agencies, area career and technical education schools, and educational service agencies, within the State in accordance with this section.

### Allocation of Funds Within a Consortium

The allocation of the Perkins Grant must be done at the consortium level. The consortium CANNOT “grant back” the money to the individual schools. The legislation is very clear that a grant back situation can cause the entire amount to be reclaimed by the US Department of Education.

Example: If a school generates \$5,600 through the formula and cooperates with a consortium, they are not guaranteed \$5,600 to be spent on their career education programs. The consortium must review the career education needs of all the schools and allocate the money on business education, then all business education programs in the consortium must have the opportunity to participate.

The consortium members must have input on the allocation of funds. Any equipment or instructional materials purchased remain the property of the consortium and must be clearly identified as such.

### Reallocation of Perkins Funds

Federal funds that are not applied for as of September 1 of the current fiscal year will be reallocated by formula for use during the following fiscal year to LEA’s with application approved for federal funding.

## SUPPLANTING vs. Supplementing

Grant recipients must monitor expenditures to ensure that Perkins federal funds are not supplanting the general requirements of local education agencies. The law is designed to ensure that federal funds pay for something extra, not day to day operational costs.

Grantees may not use federal funds to pay for services, staff, programs or materials that would otherwise be paid for with state or local funds.

Local Education Agencies must provide all the state and local fund needed to operate in the absence of federal funds. (i.e. routine operating expenses such as building maintenance and repairs, landscaping and custodial service, basic teacher and student equipment and supplies).

Presume supplanting:

- Use Perkins funds to provide services the recipient is required to make available under other federal, state or local laws
  
- Use Perkins funds to provide services the recipient provided with state or local funds in the prior year

### Questions to ask- Making Decisions About Equipment

Equipment:

1. Will the purchases be used exclusively to help improve technical and/or academic performance of students enrolled in courses associated with CTE Programs of Study?
2. Was the expenditure appropriately identified in the annual plan and budget?
3. Will the costs of capital expenditures (infrastructure enhancement) such as wiring, plumbing or construction to a facility?
4. Will the funds be used to purchase equipment with a unit cost of \$5,000 or more?
5. Are the purchase being made in time to meet the "allocable" requirements?
6. Will the funds be used to upgrade, replace or repair existing equipment previously purchased by Perkins?

### ***Making Decisions About Supplies:***

1. Will the funds be used to purchase consumable products with a life of less than 1 year?
2. In the past, have the supplies been purchased using general funds or other grant funds?
3. Will the supplies be used in a manner that supports the increase in student performance in a CTE POS this year?

## Federally Required Activities For Use of Perkins Funds Required Elements and Associated Policy for CTE Programs of Study

Note: Eligible recipients must first satisfy the Perkins IV required activities before any expenditure of funds are permitted for permissive activities [Sec. 135(c)]. However, required activities may also be accomplished through existing general fund supported programs and policies and/or other federal, state, or local funding sources.

*“(a) General Authority. - Each eligible recipient that received funds under this part shall use such funds to improve career and technical education programs.*

*“(b) Requirements for Uses of Funds. - Funds made available to eligible recipient under this part shall be used to support career and technical education programs that-*

Oregon has adopted the CTE Program of Study (CTE POS) as the focus for all Perkins IV funded career and technical education. Required activities are integral to the development of Oregon’s four Core Elements of the CTE POS: 1) Standards and Content, 2) Alignment and Articulation, 3) Technical Skills Assessment and 4) Student Support Services. While not all existing CTE POS are fully developed and approved, for the purposes of this document, the terminology is CTE POS.

CTE POS receiving funding must be declared and implemented in the fall of 2011-2012. Contact Ron Dodge, ron.dodge@state.or.us (503) 947-5653, in the office of Education Improvement & Innovation (EII) for an implementation schedule.

*“(1) Strengthen the academic and career and technical skills of students participating in career and technical education programs, by strengthening the academic and career and technical education components of such programs through the integration of academics with career and technical education programs through a coherent sequence of courses, such as career and technical programs of study described in section 122(c)(1)(A), to ensure learning in—*

*“(A) the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); and*

*“(B) career and technical education subjects;*

- Approved CTE programs and CTE POS shall reflect a coherent and focused sequence of courses based on industry standards, (e.g., local advisory committee endorsement, adoption of career cluster program of study plan).
- CTE courses shall include technical knowledge and skill content from the Oregon Skill Sets and include content that addresses additional industry standards as appropriate.

### Local Improvement Plans

- Should an eligible recipient fail to meet 90% of one of the Perkins performance measures, the recipient shall—
  - In the first year of failing to meet one of the performance measures, implement an improvement plan to specifically address the performance deficiency;
  - If the same performance deficiency continues for a second year, update and continue the improvement plan and direct Perkins funds toward addressing the performance deficiency; and
  - If the same performance deficiency continues for the third year, update and continue the improvement plan and the Oregon Department of Education will direct activities and local Perkins funding until the performance deficiency is corrected.

*“(2) link career and technical education at the secondary level and career and technical education at the postsecondary level, including by offering the relevant elements of not less than 1 career and technical program of study described in section 122(c)(1)(A);*

- Oregon high school and community college applying for funding shall implement and offer one CTE POS by September 2008 and follow the 25% a year implementation schedule established in January 2009. All CTE POS must be implemented by fall of 2011.
- Aligned or articulated secondary-postsecondary CTE POS shall operate under the authority of an institutional articulation agreement.
- Each approved CTE POS shall explicitly identify (1) how the secondary CTE program aligns or articulates to a postsecondary CTE program in the same program of study in a nonduplicative way; and 2) what opportunities are provided a student to earn or transcript dual or concurrent credit.

### All Aspects of Industry

*“(3) provide students with strong experience in and understanding of all aspects of an industry, which may include work based learning experiences;*

- Approved CTE POS shall provide the student with instruction beyond occupationally specific skill attainment to include how a specific career fits into the larger system of an industry.
- Approved CTE POS with a work-based learning component should contribute to a student satisfying the diploma requirement of career-related learning experiences.

### Technology

*“(4) develop, improve, or expand the use of technology in career and technical education, which may include—*

*“(A) training of career and technical education teachers, faculty, and administrators to use technology, which may include distance learning;*

*“(B) providing career and technical education students with the academic and career and technical skills (including the mathematics and science knowledge that provides a strong basis for such skills) that lead to entry into the technology fields; or*

*“(C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs, including programs that improve the Mathematics and science knowledge of students;*

- Program instructional practice shall, to the extent practicable, use and model program-related technology for the application of skills appropriate to the CTE POS (*e.g. instruction of skills practical to the level of skill attainment that is possible for the local CTE program*).
- Technology-based equipment, software, and instructional material shall explicitly contribute to student academic attainment, with specific attention to mathematics and science, and technical skill attainment.
- Technology-based equipment, software, and instructional material purchases shall be limited to approved CTE POS that lead to high skill, high wage, or high demand occupations in current or emerging careers.
- Funds may be used to train teachers to implement technology however, costs for distance education shall be limited to program or connectivity costs; not student-related enrollment costs or fees.

## Evaluations

*“(6) develop and implement evaluations of the career and technical education programs carried out with funds under this title*

- The secondary CTE program renewal process can be used as a tool for CTE program evaluation.
- Secondary CTE program evaluations shall be part of the ODE Continuous Improvement Process (CIP).
- Postsecondary CTE program evaluations shall be part of the college’s internal evaluation and accreditation processes, except as it may relate to Local Improvement Plans associated with failure to meet performance, in which case, a Perkins Improvement Plan is required.

## Improving and Expanding CTE

*“(7) initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology;*

- Relevant technology, equipment and related instructional material and supply purchases are eligible expenditures as long as there is a direct and explicit connection between the purchase of such items and increasing student academic knowledge and technical skill attainment in the CTE POS. However, these should not be supplies that a school generally provides.
- The secondary program will use the CTE program renewal process to identify areas for CTE POS improvement.

## Sufficient Size, Scope & Quality

*“(8) provide services and activities that are of sufficient size, scope, and quality to be effective; and*

- CTE POS that are designated as **approved** meet the criteria of “sufficient size, scope, and quality to be effective” by having completed the secondary or postsecondary quality assurance process.

## Special Populations

*“(9) provide activities to prepare special populations, including single parents and displaced homemakers who are enrolled in career and technical education programs, for high skill, high wage, or high demand occupations that will lead to self-sufficiency*

- Analyze disaggregated CTE student performance to identify and design activities that support special populations in meeting Perkins performance measures.
- Review special population student pre-requisite—**not** remedial—requirements that equip students with the readiness skills to be successful.
- Remedial or developmental education activities are **not** eligible activities for the use of Perkins funds. Funding support of pre-requisite courses for entry into a CTE POS may be an eligible activity.
- Special population student support for individuals **already enrolled** in a CTE POS as described above is a required activity for the use of Perkins funds.

## PERMISSIVE USE OF PERKINS IV FUNDS SECTION 135

Funds made available to an eligible recipient may be used for improving, enhancing, and expanding CTE Programs of Study (CTE POS). All aspects of the use of Perkins funds must be supported by data, rationale, a plan, and the school/institution must have the capacity to measure student/program improvement resulting from the use of these funds.

Funding for new CTE POS must have prior state approval as Oregon is making its primary investment in improving existing programs.

PERMISSIVE USE OF PERKINS IV FUNDS - SECTION 135	
FUNDS TO A CONSORTIUM.	Funds allocated to a consortium formed to meet Perkins requirements shall be used only for the purposes and programs that are mutually beneficial to all members of the consortium and can be used only for programs authorized. Such funds may not be relocated to individual members of the consortium for purposes or programs benefiting only one member of the consortium. [PL 109-270.Sec131 (f)(2)]
SUPPLANTING:  "Sec. 311. Fiscal Requirements. "(a) SUPPLEMENT NOT SUPPLANT.- Funds made available under this Act for career and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out career and technical education activities and tech prep program activities.	Use of Perkins Funds to pay for any expense that was previously paid by the local school district or college is considered supplanting. This may include: salaries, textbooks stipends, equipment, etc.  Perkins grant funds may not result in a reduction in state or local funding that would have been available to conduct the activity had federal funds not been received. Federal funds may not free up state or local dollars for other purposes, should create or augment the program to an extent not possible without federal dollars. Your must be able to demonstrate that federal funds are added to the amount of state and local funds that would, in the absence of federal funds, be made available for uses specified in your plan.
Developing, implementing and improving CTE POS	Activities that support the development of the 4 Core Elements of Oregon's CTE POS and the required student performance: <ul style="list-style-type: none"> <li>✓ Standards and Content</li> <li>✓ Alignment and Articulation</li> <li>✓ Technical Skill Assessments</li> <li>✓ Student Support Services</li> </ul>
Local Performance Improvement Plan	A local improvement plan is required.  Schools, colleges and consortia not meeting state performance targets must ensure that funds are expended to increase performance first and foremost.

**PERMISSIVE USE OF PERKINS IV FUNDS - SECTION 135**

<p>Education and Business Partnerships and Collaboration</p>	<p>To involve parents, businesses, and labor organizations as appropriate. All grantees are required to have an active advisory committee; these committees may be shared between programs.</p> <p>For local education and business partnerships;</p> <ul style="list-style-type: none"> <li>✓ To provide work-related experience, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing (for students or teachers)</li> <li>✓ Adjunct faculty arrangements for qualified industry professionals</li> <li>✓ Internship for teachers</li> </ul>
<p>School to Career Activities</p>	<p>There is a prohibition clause within the Perkins legislation for use of funds for School to Career activities. However, funds used for CTE student career development is an allowable expense as a part of a CTE POS.</p>
<p>Career and Technical Student Organizations</p>	<p>Each program is expected to have student leadership identified. In cases where schools cannot afford several student leadership organizations (FFA, HOSA, etc.) the leadership component must be identified within the CTE POS application.</p> <p>To assist career and technical student organizations;</p> <ul style="list-style-type: none"> <li>✓ Leadership activities</li> <li>✓ Curriculum development</li> <li>✓ advisors</li> <li>✓ Conferences in which the primary purpose is to disseminate technical information</li> <li>✓ Support of student CTE organization instruction that is an integral part of the CTE POS</li> <li>✓ Instructional supplies, materials, and equipment needed to support a student organization as <i>an integral part of the industry CTE POS</i>.</li> <li>✓ Qualified CTE educators must supervise instruction that relates to the student organization.</li> </ul> <p>Restrictions apply;</p> <ul style="list-style-type: none"> <li>✓ Social assemblage and social conventions</li> <li>✓ Lodging, food, conveying or furnishing transportation to conventions and other gatherings of CTSO students</li> <li>✓ Purchase of supplies, jackets and other effects for personal ownership or usage</li> <li>✓ Cost of non-instructional activities such as athletic, social or recreational events</li> <li>✓ Printing and disseminating of non-instructional materials</li> <li>✓ Purchase of awards for recognition of students, advisors or other individuals; or payment of membership dues.</li> <li>✓ See non-allowable examples</li> </ul>

**PERMISSIVE USE OF PERKINS IV FUNDS - SECTION 135**

<p>Regional Coordinators, Dual Credit Coordinators and Pathway Coordinators</p>	<p>5% Administrative cap is allowed.</p> <p>Additional services must be directed to the 4 Core Elements of a CTE POS according to the grant intent. The Reserve Grant focus may change from year to year.</p> <p>Services are for students of CTE POS. Time records are required.</p> <p>Consideration should be given to the Supplanting limitations. Is this a service that has been or should be provided by the LEA?</p>
<p>Equipment: "an article of nonexpendable, tangible personal property having a useful life of more than one year".</p>	<p>All equipment purchased with Perkins funds must be for student use or utilized in instructing students in the CTE POS&gt;</p> <p>Equipment purchased solely for administrative/teacher use is not allowed.</p> <p>Leasing, purchasing, upgrading or adapting equipment, including instructional aides;  <ul style="list-style-type: none"> <li>✓ Equipment over \$5,000 must be pre-approved.</li> </ul> </p> <p>Supplanting rules apply</p>
<p>Equipment must be "allowable" and improve student performance.</p>	<p>Purchased early enough to enable an increase in student performance during the fiscal year purchased. Beginning July 1, 2009 all equipment purchases must be made by December 1 of the fiscal year.</p>
<p>Equipment Maintenance</p>	<p>Maintenance or equipment purchased with Perkins funds is allowable as long as the expenditures adhere to the guidance in A-87m Attachment B, item 25.</p>
<p>Equipment Labeling and Inventory</p>	<p>The local school district must inventory any equipment purchased with Perkins funds. All equipment must be marked with a permanent marker or permanent label indicating grant source, year of purchase, school name and program area. Inventory charts are required; equipment must be removed if the program is no longer an active POS.</p>
<p>Equipment Shared with Disciplines other than CTE</p>	<p>The primary use of equipment purchased with Perkins funds should be used by students who are enrolled in CTE POS. After the needs of the CTE students <u>are fully met</u>, non-CTE students can use the equipment.</p>
<p>Supplies</p>	<p>Costs incurred for materials, supplies and fabricated parts necessary to carry out a CTE POS are allowable. However, supplanting requirements must be addressed.</p> <p>Not allowed: consumable supplies to be made into products to be sold or to be used personally by students, teachers, or other person (paper ink, CO2 cartridges, replacement batteries, toner, replacement printer cartridges.</p>

**PERMISSIVE USE OF PERKINS IV FUNDS - SECTION 135**

Facility Construction	Renovation of the school facility cannot be funded by the Perkins grant. However, equipment/construction to start up or upgrade a CTE POS is not allowable; i.e., greenhouses, storage buildings, equine stables, barns.
Professional Development	<p>Professional Development activities:</p> <ul style="list-style-type: none"> <li>✓ Are high quality, sustained, intensive and classroom focused and a part of a professional development plan</li> <li>✓ Will help teachers and personnel improve student achievement</li> <li>✓ Will help teachers and personnel: stay current with all aspect of an industry; effectively develop rigorous and challenging integrated curricula (jointly with academic teachers, to the extent practicable, develop a higher level of academic and industry knowledge and skills, and effectively use applied learning.)</li> <li>✓ Promotes integration with profession</li> <li>✓ Dedicated 10% of each grant</li> </ul> <p>Interdisciplinary /Integrated Curriculum Program Expense:</p> <ul style="list-style-type: none"> <li>✓ Expenses directly related to interdisciplinary activities/courses tied to technical skill attainment (i.e., Math in CTE)</li> </ul>
Teacher Education Costs	A teacher’s educational costs (which are directly related to their CTE POS, (tuition excepted), are an allowable expense. Course work necessary to enhance teacher knowledge directly related to CTE curriculum improvements or student instruction is permissible, (i.e. CAD, Microsoft Office Suite.)
CTE Teacher Training	For teacher preparation programs that assist individuals who are interested in becoming career and technical education instructors; Industry experience for teachers and faculty
Teacher Travel to National/State Conferences	<p>Teacher travel to national and state professional development conferences such as the National Business Educator’s Association is an allowable expense if the documentation denotes that it meets the Perkins requirements for Professional Development. Conference attendees are responsible to share information with other staff to make improvements to curriculum and in an effort to improve overall program quality.</p> <p>Effective July 1, 2009, travel to student leadership state and a national conference is <u>not allowable</u> as teachers are primarily responsible for student supervision and this cost is a responsibility of the school district. (supplanting)</p>
CTE Professional Organization Memberships	<p>Not Allowed</p> <p>Costs of membership in organization</p> <p>Funds are not awarded to organizations engaged in lobbying</p>

**PERMISSIVE USE OF PERKINS IV FUNDS - SECTION 135**

<p>CTE Teacher and Staff Salaries</p>	<p>Teacher and salary staff must be tied directly to CTE POS implementation and to CTE POS students; time records are required documentation</p> <p>Perkins funds may support a teacher and staff salaries to start up a program and with maximum of <u>three years</u> of Perkins funds support</p> <p>School and district staff that is maintained beyond the three-year period will be held accountable for supplanting, as ongoing staffing is a responsibility of the local education agency</p> <p>Activities specifically related to Perkins implementation</p> <p>Costs for administration are limited to 5% of the grant</p>
<p>Transitions to Postsecondary</p>	<p>To develop and expand postsecondary program offerings at times and formats that are accessible for students</p> <p>To develop initiatives that facilitate the transition of sub baccalaureate CTE students into baccalaureate degree programs</p>
<p>New CTE Courses</p>	<p>For improving or developing new CTE (within a POS) courses that meet industry standards</p> <p>Pre-requisite courses allowed; no remediation courses</p>
<p>Learning Communities</p>	<p>To develop and support small, personalized career themed learning communities;</p> <p>Distance learning connectivity fees (only)</p>
<p>Middle School Students</p>	<p>Oregon does not provide Perkins funding specifically for CTE in middle schools.</p> <p>SEC. 315          "No funds under this Act may be used to provide career and technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under this Act may be used by such students"</p>
<p>Career Guidance</p>	<p>To provide assistance to individuals who have participated in services and activities under this ACT in continuing their education or training or finding an appropriate job</p> <p>To provide career guidance and academic counseling for students participating in CTE POS</p>
<p>Mentoring and Student Support</p>	<p>For mentoring and outreach in non-traditional fields</p> <p>Supplemental staff including instructors, technicians, aides, tutors, signer, note takers and interpreters for special population students to support the attainment of skills in the classroom; but not remedial courses</p> <p>Leasing, purchasing, upgrading or adapting equipment, including instructional aides or devices</p> <p>Testing materials</p>

**PERMISSIVE USE OF PERKINS IV FUNDS - SECTION 135**

Adults and drop-outs	To provide CTE POS instructional programs for adults and school dropouts.
Training in non-trad fields	To support training and activities in non-traditional fields.
Entrepreneurship	To provide activities to support entrepreneurship education and training; cannot run businesses that undercut local businesses.
Automotive technologies	To provide support for training programs in automotive technologies.
Family and Consumer Science	To provide support for family and consumer sciences programs;  To pool a portion of such funds for innovative initiatives with at least one other eligible recipient, (e.g., improving the initial preparation and professional development of CTE teachers, faculty, administrators and counselors; establishing, enhancing or supporting systems for Perkins accountability data collection or reporting; implementing CTE POS; implementing technical assessments and supporting other CTE activities that are consistent with the purpose of the Perkins IV Act.)
Capital Expense	NO  (1) Capital Expenditures" means expenditures for the acquisition costs of capital assets (equipment, building, land), or expenditures to make improvements to capital assets that materially increase their value of useful life. Acquisition cost means the cost of the asset including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it was acquired.

<b>NON-ALLOWABLE USE OF FUNDS</b>
Funding activities that would supplant (replace) requirements of LEA
Remedial courses
Acquisition of equipment for administrative or personal use (NY State)
Expenditures for students not enrolled in CTE POS including career exploration, career fair, etc.
Requiring any secondary student to choose or pursue a specific career path, and or CTE delivery model, and mandating student participation in a CTE program including a CTE program that requires the attainment of a federally funded skill level, standards, or certificate of mastery
Capital Expenditures
Consumable supplies to be made into products to be sold or to be used personally by students, teachers, or other person (paper ink, CO2 cartridges, replacement batteries, toner, replacement printer cartridges)
Subscriptions to magazines or journals
Contingency or "petty cash" funds
Contributions and donations
Dues, memberships to professional organizations or societies
Equipment and supplies for building maintenance
Fines and penalties
Standard classroom furniture not unique to instruction program (except for new programs)
Furniture, files and equipment used by the teacher unless it is an integral part of an equipment workstation or to provide reasonable accommodations to CTE POS students with disabilities
General storage files or cabinets not designed to store specific tools or equipment
Gifts, door prizes, etc.
Instructional aids, uniforms, tools or other items to be retained by students
Interest and other financial costs
Leasing vehicles, car rentals, etc.
Maintenance contracts or agreements, equipment repair and excessive installation costs
Meals, banquets entertainment
Promotional materials such as T-shirts, pens, cups, key chains
Tuition costs, university fees, distance learning fees
Videos, DVD, CD except for module based programs
Vehicles such as automobiles, trucks buses, airplanes, boats, golf carts, now mobiles, motorcycles
Multiple copies of textbooks, <i>except for new programs not previously provided by the school, that support the increase of student performance and the curriculum is tied to current industry standards</i>
Effective Sept. 09, no computer labs (except as part of a new program).
Travel outside of the US